

ROBERT TAYLOR, OSB #044287
City Attorney
Email: robert.taylor@portlandoregon.gov
HEIDI BROWN, OSB #922410
Chief Deputy City Attorney
Email: heidi.brown@portlandoregon.gov
VAMSHI REDDY, OSB #140560
Deputy City Attorney
Email: vamshi.reddy@portlandoregon.gov
SARAH AMES, OSB 163350
Deputy City Attorney
Email: sarah.ames@portlandoregon.gov
Office of City Attorney
1221 SW 4th Avenue, Suite 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Of Attorneys for Defendant City of Portland

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

UNITED STATES OF AMERICA,

Case No. 3:12-cv-02265-SI

PLAINTIFF,

v.

**DEFENDANT CITY OF PORTLAND'S
STATUS UPDATE**

CITY OF PORTLAND,

DEFENDANT.

I. Introduction

The City continues to make progress towards achieving the ultimate goals of the Settlement Agreement – achieving substantial compliance, delivering enduring police reform, and returning oversight and direction of our police bureau to our local community and its elected leaders. The Court has requested continuing updates from the City which are provided here.

II. Status of Training Slide Investigation

The disciplinary process related to the investigation into the offensive training slide has concluded, and final discipline has been imposed. The discipline included a 100-hour suspension without pay, a required letter of apology to the community, and a prohibition on creating or conducting training related to crowd management for five years. For reference and further background, the proposed and imposed discipline letters have been publicly released and posted online.¹

III. Status of Body Worn Camera Bargaining

The City and the Portland Police Association (“PPA”) reached a tentative agreement on all provisions of a body-worn camera policy, except for one. They were unable to agree on pre-review of body camera footage after a force event and before the officer writes a report of the force event. On February 10, 2023, the City and PPA declared impasse. As required under the Oregon Public Employee Collective Bargaining Act (“PECBA”), ORS 243.650 *et. seq.*, the City and PPA submitted their final offers to the Employment Relations Board (“ERB”) on the unresolved issue on February 17, 2023. The City and PPA have received a list of potential arbitrators from ERB and are in the process of selecting an arbitrator.

IV. Status of Independent Monitor Discussions

The Parties continue to discuss the many possible paths to achieving their shared goals, including the potential appointment of an independent monitor. Since the November 2022 status conference, the Hon. Stacie F. Beckerman has facilitated two additional mediation sessions between Plaintiff United States of America (“DOJ”), representatives of the City, PPA, enhanced *Amicus Curiae* the Albina Ministerial Alliance coalition for Justice and Police Reform (“AMAC”), and *Amicus Curiae* the Mental Health Association (“MHA”) on December 13, 2022, and January 24, 2023. A further mediation session is scheduled for February 27, 2023. The City is committed to mediation and respects the confidentiality of the process.

¹ Available on the PPB “Trending Topics” public record release site, at: [https://portlandor.govqa.us/WEBAPP/_rs/\(S\(sumso4dv1fzntv24md3e0drd\)\)/BusinessDisplay.aspx?sSessionID=&di d=66&cat=0](https://portlandor.govqa.us/WEBAPP/_rs/(S(sumso4dv1fzntv24md3e0drd))/BusinessDisplay.aspx?sSessionID=&di d=66&cat=0).

V. COCL Transition

Dr. Dennis Rosenbaum has notified the City and DOJ that he and the Compliance Officer/Community Liaison (“COCL”) team will end their work in Portland no later than August 31, 2023, to allow time to complete a final quarterly compliance report and otherwise aid in a transition. To ensure continued compliance with the City’s current obligations under the existing Settlement Agreement, the City is initiating a procurement process to identify a new COCL to replace Dr. Rosenbaum. The City Council is scheduled to decide on the alternative procurement process on March 1, 2023. The City anticipates posting a Request for Resumes shortly and engaging *Amici Curiae*, PPA, and representatives from the Portland Committee on Community Engaged Policing (“PCCEP”) in the screening and interview process for a new COCL, as well as providing a 30-day public comment period, as required by the Settlement Agreement.

VI. Update on the Portland Committee on Community-Engaged Policing

In November 2022, PCCEP members elected co-chairs Celeste Carey and Pastor Robin Wisner to preside over the Committee. The Community Engagement, Racial Equity, and Settlement Agreement and Policy Subcommittees² have met regularly since November 2022, discussing numerous and diverse topics, including the independent monitor proposal, a framework to evaluate the racial equity and mental health implications of PCCEP recommendations, opportunities to engage with community mental health agencies and those who advocate for and serve minority populations, outreach to youth groups and colleges, PPB investigation of complaints of off-duty misconduct, and potential deployment of gunshot detector technology in Portland. PCCEP hosted a Town Hall on February 1, 2023, for COCL to present their Third Quarter Compliance Review. In addition, a working group of six PCCEP members is developing a proposed update to the PCCEP Bylaws. Finally, the PCCEP Steering Committee, which includes the full Committee’s elected leadership, has proposed to meet semi-annually to

² PCCEP members voted to also create a subcommittee on Behavioral Health/Mental Health and Addiction. That subcommittee has not yet formed or met, as PCCEP members chose to join other subcommittees. PCCEP intends to ensure that a behavioral health lens is incorporated into its work generally, regardless of whether there is an active subcommittee.

guide PCCEP's workplan.

The Mayor's Office and City Council are filling vacancies as they arise, with two new members approved on February 15, 2023, replacing one member whose term expired in December, and one who resigned for personal reasons. PCCEP's membership currently stands at 11, with all at-large positions appointed, but two youth slots remaining to be filled.

VII. Civilian Education Director ("Training Dean") for PPB's Training Division

The hiring process for the position of PPB's Civilian Training Dean included the *Amici*, PPA, and a community member at various stages of the process. Final round interviews with the Chief of Police have taken place. Once a finalist is selected, there will be a Town Hall with the final candidate to allow an opportunity for community engagement.

VIII. PPB Training Update

Beginning in January 2023 and continuing through May 2023, PPB members have been receiving comprehensive crowd management training developed in consultation with PPB's Policy Team and the City Attorney's Office. The training curricula, lesson plans, and rubrics were reviewed and approved by DOJ and submitted to COCL, and members of the Training Advisory Council participated in training dry-runs and advised on course development.

This required two-day "Mobile Field Force In-Service Training" ("MFF Training") includes classroom presentations and discussions, as well as scenarios and tabletop exercises, on such topics as crowd theory, formations, force reporting, mobile field force operations, officer wellness, and legal updates, with principles of procedural justice integrated throughout. DOJ had an opportunity to observe the MFF Training on February 15 and 16, 2023 (ECF No. 337). Leadership from other law enforcement agencies has also attended and commented favorably on this training.

In addition, PPB Training Division leadership has finalized and implemented the reorganization of the Training Division to prepare for the arrival of the Dean of Training, consolidating curriculum development, training analysis, training needs assessments, and administration of PPB's Learning Management System under the Dean's direction. On

November 22, 2022, members of Training Division leadership met with representatives of DOJ and COCL at a “Training Summit” to discuss improvements to procedures and processes incorporating nationwide best practices in law enforcement training, as described in further detail in DOJ’s status report (ECF No. 337).

In January 2023, at COCL’s recommendation, PPB Training sent two instructors to the Police Executive Research Forum’s (“PERF”) Integrating Communications, Assessment, and Tactics (“ICAT”) Conference, focused on de-escalation tactics and skills.³ PPB Training is also sending two instructors and its newly hired curriculum development specialist to a week-long California POST-certified⁴ instructor development course in May 2023, as recommended by DOJ’s subject matter expert retired Deputy Chief Murphy at the November 2022 Training Summit.

IX. The 2020 Critical Assessment

Independent Monitor, LLC (“IMLLC”), the consulting firm engaged to complete the critical assessment relating to the 2020 protests required under Paragraph 189 of the Settlement Agreement (the “2020 Critical Assessment”), has continued its comprehensive review.

In October 2022, the IMLLC Team conducted its second site visit to Portland. While on the ground, the IMLLC team interviewed multiple PPB officers and supervisors, met with some of PPB’s traditional mutual aid partner agencies, and spoke with other City officials. They also toured the PPB training academy. During the October site visit, IMLLC participated in a well-attended Town Hall hosted by PCCEP and interviewed other community members about their experiences during the 2020 protests. During November 2022, IMLLC continued its investigation, finalizing portions of its document review/analysis and meeting with PPB officials

³ According to PERF: “ICAT is designed especially for situations involving persons who are unarmed or are armed with weapons other than firearms, and who may be experiencing a mental health or other crisis. The training program is anchored by the Critical Decision-Making Model that helps officers assess situations, make safe and effective decisions, and document and learn from their actions. ICAT incorporates different skill sets into a unified training approach that emphasizes scenario-based exercises, as well as lecture and case study opportunities.” Additional information on the ICAT Program is available at: <https://www.policeforum.org/icat-training-guide>.

⁴ California “POST” refers to The Commission on Peace Officer Standards and Training (<https://post.ca.gov/About-Us>).

regarding supplementary document requests. They also met with several community organizations and protest participants and interviewed former PPB command personnel. During December 2022, IMLLC completed interviews of community members, faith leaders, activists, and the leaders of several law enforcement agencies.

On February 6 through 8, 2023, during its third site visit, the IMLLC Team observed PPB's Mobile Field Force In-Service Training related to crowd management and met with DOJ, Independent Police Review ("IPR"), and PPB command personnel. IMLLC's draft Phase One Report is expected to be delivered in early April 2023. The City will have 60 days to respond to the draft report, as well as provide a Training Needs Assessment based on the report.

X. Accountability

The City, DOJ, and COCL convened on November 10, 2022, to discuss accountability-related compliance concerns at an "Accountability Summit." The Parties and COCL were able to find many areas of agreement, and the City is actively working on those issues.

XI. PPB Personnel Update

Since November 9, 2022, the Bureau has hired an additional 19 officers, bringing the total force to 800 sworn members of the 882 officers authorized. Officers must complete the Oregon State Basic Police Academy program before PPB's own 12-week Advanced Academy and field training with a PPB mentor. Some 102 recently hired PPB officers are now in the training process, which takes approximately 18 months to complete. Portland Police Chief Charles Lovell and other Portland metro area public safety leaders have loaned personnel to the State Department of Public Safety Standards and Training to help the state agency add capacity so as to offer more timely basic officer training.

PPB has also hired seven additional Public Safety Support Specialists ("PS3s"), non-sworn, unarmed members in uniform who serve alongside sworn officers, enhance community engagement, and provide options for response to lower priority calls for service, where response would otherwise be greatly delayed or not possible given patrol staffing levels. PPB now has 38 PS3s out of an authorized 70. In addition, PPB has hired 27 professional staff, including

employees to assist the Records Division. The PPB Records Division is at full staffing after these recent hiring efforts.

XII. Adoption of Office365 and Revision of Force Data Collection Reports and After-Action Reports

After a successful pilot test with a portion of PPB employees, PPB is rolling out Office365 Bureau-wide. Employee mailbox migrations were completed in January 2023, and full deployment is beginning this month. Office365's SharePoint function, on schedule for implementation in May 2023, will allow automatic timestamps and author records for edits to and completion of Force Data Collection Reports and After-Action Reports, as required by Paragraph 188 of the Settlement Agreement.

XIII. Police Accountability Commission

The Police Accountability Commission (the "PAC"), a 20-member civilian committee, is making progress on its work to define the duties and authority of a new community police oversight board to replace IPR for investigations of certain complaints of police misconduct and to impose discipline. Under Paragraph 195(b), the PAC must propose to City Council changes to City Code to create the new oversight system within 18 months of the Court's entry of Section XI. The City then has 60 days to propose corresponding amendments to City Code and the Settlement Agreement, subject to the approval of the Court and DOJ.

The City Council imposed a deadline of June 9, 2023, 18 months after the PAC's first meeting, for the PAC to propose the Code changes. Earlier this month, the PAC concluded the "powers and duties" phase of its work, coming to agreements on the Board's investigation and hearings process, access to information, and PPB directive and policy recommendations. The PAC next plans to address structural issues, including the size and staffing of the new oversight board, before developing a transition plan addressing potential impacts on other City bureaus and agencies. The PAC holds two full-Commission or subcommittee meetings each week, in addition to periodic community listening sessions.

XIV. Portland Street Response Update

Portland Street Response (“PSR”), a Portland Fire & Rescue program, dispatches teams of mental health crisis responders and emergency medical technicians to non-emergency calls involving people experiencing mental and behavioral health crises. In March 2022, PSR expanded City-wide and now has four to six units available to respond to calls daily. PSR also hopes to complete the hiring of an overnight shift by early April 2023, which will allow PSR to operate 24 hours a day. PSR is currently working to obtain a Certificate of Approval as a Community-Based Mobile Crisis Intervention Service with the Oregon Health Authority.

Additional information about PSR’s performance and outcomes is available in Portland State University’s December 2022 second-year midpoint evaluation, available at <https://www.portland.gov/streetresponse/documents/portland-state-universitys-18-month-evaluation-portland-street-response/download>.

XV. COCL Technical Assistance Report on Contact Surveys

Earlier this month, Dr. Rosenbaum delivered a technical assistance report recommending that the City develop and conduct “contact surveys” of community members who have direct contact with police officers each year. While such surveys are not required by the Settlement Agreement, Dr. Rosenbaum recommended a new approach to performance evaluation, one that would “incentivize a new definition of good policing by introducing community-based performance metrics and encouraging more police officers to ‘serve and protect’ in a fair, respectful, and compassionate manner.” The City appreciates the COCL’s thoughtful proposal and four-step implementation plan, under which PPB would distribute the survey information during officers’ daily interactions and would integrate the feedback into performance evaluations, and the Community Safety Division would house and analyze the survey data. This proposal will be evaluated against the other priorities for staffing and resources at PPB, the Community Safety Division, and the City Council.

XVI. Conclusion

As discussed above, the City continues to make progress towards achieving the ultimate goals of the Settlement Agreement – achieving substantial compliance, delivering enduring police reform, and returning control of our local police agency to our local community and its elected leaders.

Dated: February 22, 2023

Respectfully submitted,

/s/ Robert Taylor

ROBERT TAYLOR, OSB #044287
City Attorney

HEIDI BROWN, OSB #922410
Chief Deputy City Attorney

VAMSHI REDDY, OSB #140560
Deputy City Attorney

SARAH AMES, OSB# 163350
Deputy City Attorney
Of Attorneys for Defendant City of Portland